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**AJMER STATE GOVERNMENT**

**Law and Judicial Department**

*Ajmer, the 30th May, 1955*

The following Act of the Ajmer Legislative Assembly received the assent of the President on the 29th May, 1955 and is hereby published for general information:—

**THE AJMER ABOLITION OF INTERMEDIARIES AND LAND REFORMS ACT, 1955**

**ACT No. III OF 1955**

*An Act to provide for abolition of the intermediaries between the tillers of the soil and the State and the acquisition of their right, title and interest, and for measures of land reforms relating to land tenures consequent upon such abolition and acquisition.*

BE it enacted by the Legislative Assembly of the State of Ajmer in the Sixth Year of the Republic of India as follows:—

**CHAPTER I**

**1. Short title, extent and commencement.**—(1) This Act may be called the Ajmer Abolition of Intermediaries and Land Reforms Act, 1955.

(2) It extends to the whole of the State of Ajmer.

(3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

**2. Definitions.**—(1) In this Act, unless the context otherwise requires:—

(i) "charitable purpose" includes the relief of the poor, medical relief or the advancement of education or of any other object of general public utility, but does not include a purpose which relates exclusively to religious teaching, worship or service;

(ii) "common land" means such plots of land in a village as vest in the village proprietary bodies and are not included in any Niji jot, khudkasht or tenancy holding;

(iii) "Compensation Commissioner" means a person appointed by the State Government to perform the functions of a Compensation Commissioner under this Act;

(iv) "Compensation Officer" means a person appointed by the State Government to perform the functions of a Compensation Officer under this Act;

(v) "estate" has the same meaning as is assigned to that expression in the Ajmer Land and Revenue Regulation, 1877 (II of 1877), and includes a share in or a part an estate and all rights in an estate, but does not include land held by a Bisweddar or a Khewatdar;

(vi) "grove" means any specific piece of land having trees planted thereon in such numbers that they preclude, or when full grown will preclude, the land or any considerable portion thereof from being used primarily for any other purpose, and includes the trees standing on such land;

(vii) "guzara" means—

(a) a fixed cash annuity; or

(b) a specific area of land in an estate;

granted by an intermediary for the maintenance of the younger members of his family or other relatives and dependents or for the maintenance of any place of religious worship; and the expression "Guzaredar" shall be construed accordingly;

(viii) "intermediary" means a holder of an estate and includes;

(a) an Istimrardar

(b) a Non-Sanadi Istimrardar

(c) a Minor Istimrardar

(d) a Jagirdar

(e) a Bhoomia

(f) a Muafidar

(g) a Guzaredar holding any land in an estate granted to him as guzara

(h) a usufructuary mortgagee of an estate;

(ix) "land cultivated personally" with its grammatical variations and cognate expressions means land cultivated on one's own account by:

(a) one's own labour; or

(b) by the labour of any member of one's family; or

(c) by servants on wages payable in cash or in kind but not by way of share of the produce; or

(d) by hired labour under one's personal supervision or the personal supervision of any member of one's family:

Provided that in the case of a person who is a widow or a minor or is subject to any physical or mental disability or is a member of the armed forces of the Union, land shall be deemed to be cultivated personally even in the absence of such personal supervision;

(x) "notification" means a notification published in the official Gazette;

(xi) "prescribed" means prescribed by rules made under this Act;

(xii) "previous agricultural year" means the agricultural year immediately preceding the year in which the date of vesting falls;

(xiii) "proprietor" means the owner of an estate whether as a trustee or for his own benefit and includes the heirs and successors-in-interest of a proprietor;

(xiv) "record of rights" means the record of rights prepared or maintained under the Ajmer Tenancy and Land Records Act, 1950 (XLII of 1950), or under the Ajmer Land and Revenue Regulation, 1877 (II of 1877);

(xv) "religious purpose" includes a purpose connected with religious worship, teaching or service or with the performance of religious rites;

(xvi) "standard acre" means:

(a) in the case of chahi one land, one acre of such land,

(b) in the case of chahi two and talabi one land, one and a half acres of such land,

(c) in the case of chahi three, talabi two, abi one, gormia one and mal one land, two acres of such land,

(d) in the case of talabi three, abi two gormia two and mal two land, three acres of such land,

(e) in the case of any other class of land, four acres of such land;

(xvii) "State" means the State of Ajmer;

(xviii) "State Government" means the President and includes the Chief Commissioner of Ajmer acting within the scope of the authority given to him under Article 239 of the Constitution;

(xix) "uneconomic holding" means a holding of less than eight standard acres;

(xx) "under-proprietor" means a person—

(a) who holds land from any Istimrardar, Jagirdar or a Bhoomia in the Istimrari estate, Jagir or Bhoom, as the case may be, and

(b) who is recognised as a proprietor of such land and is recorded as an under-proprietor (Malik Adna) in the record of rights;

(xxi) "village" means any local area whether compact or otherwise recorded as a village in the Revenue Records prepared or maintained under the Ajmer Tenancy and Land Records Act, 1950 (XLII of 1950), or the Ajmer Land and Revenue Regulation, 1877 (II of 1877), and includes an area which the State Government may by notification declare to be a village;

(xxii) "village rate" means the rate fixed for a particular class of soil in the village during a Settlement or Rent Rate Operation under the Ajmer Tenancy and Land Records Act, 1950 (XLII of 1950), or the Ajmer Land and Revenue Regulation 1877 (II of 1877);

(xxiii) all other words and expressions used herein and not defined but defined in the Ajmer Tenancy and Land Records Act, 1950 (XLII of 1950), or the Ajmer Land and Revenue Regulation, 1877 (II of 1877), shall have the meanings respectively assigned to them in the said Act or Regulation.

(2) The General Clauses Act, 1897 (X of 1897), shall apply for the interpretation of this Act as it applies for the interpretation of a Central Act.

**3. Act to over-ride other laws.**—Save as otherwise expressly provided in this Act, the provisions of this Act and of the rules and orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law and rules for the time being in force or any instrument having effect by virtue of any law or usage, agreement, settlement, grant, Sanad or any decree or order of any court or other authority .

## CHAPTER II

### ABOLITION OF INTERMEDIATES AND ACQUISITION OF THEIR RIGHTS

**4. Vesting of estates in the State.**—(1) As soon as may be after the commencement of this Act, the State Government may, by notification, declare that, as from a date to be specified, all estates situated in the State and held by intermediaries shall vest in the State Government and as from the beginning of the date so specified (hereinafter called the date of vesting), all such estates shall stand transferred to and vest, except as hereinafter provided, in the State Government free from all encumbrances.

(2) It shall be lawful for the State Government, if it so considers necessary, to issue from time to time the notification referred to under sub-section (1) in respect only of such class or classes of estates as may be specified and all the provisions of sub-section (1) shall be applicable to and in the case of every such notification.

(3) In determining the order under which different classes of estates may be acquired under sub-section (2), the State Government shall have regard to the average size or income of the estates in any particular class, the class in which the average is higher being acquired before the class in which the average is lower.

**5. Collector to take over estates.**—Upon the publication of a notification under section 4, it shall be lawful for the Collector or any officer appointed by him in this behalf—

(a) to take charge of any estate and of all interests vested in the State Government under the provisions of this Chapter, and to take or cause to be taken such steps and use or cause to be used such force as may, in the opinion of the Collector of the officer so appointed, be necessary for this purpose:

(b) to enter upon any land, building or other place forming part of any estate acquired under the provisions of this Chapter and make a survey or take measurements thereof or do any other act which he considers necessary for carrying out the purposes of this Act;

(c) to require any person to produce to such authority as may be specified, any books, accounts or other documents relating to any estate and to furnish to such authority such other information as may be specified or demanded; and

(d) if the books, accounts and other documents are not produced as required, to enter upon any land, building or other place and seize and take possession of such books, accounts and other documents.

**6. Consequences of acquisition of estates.**—(1) As from the date of vesting of any estate, notwithstanding anything contained in any Sanad, contract, grant or other document or in any law, rule, regulation or order for the time being in force, but save as otherwise provided in this Act, the consequences as hereinafter set forth shall ensue in respect of such estate, namely:—

(a) the right, title and interest of the intermediary and of every other person not being a Biswedar claiming through him in the estate including waste or uncultivated or unoccupied lands, birs, forests, groves, hills, tanks, ponds, water courses or channels, ferries, quarries, pathways, village sites, *hats*, bazars and mela grounds and mines and minerals whether being worked or not, shall cease and be vested in the State Government free from all encumbrances;

(b) all rights, title and interest created by the intermediary or his predecessor-in-interest in the estate shall as against the State Government, cease and determine;

(c) all revenue, rents, cesses, local rates, sayar, grazing fees, royalties and other dues in respect of any holding or in respect of any land leased by or on behalf of the intermediary for any purpose other than agriculture, in the estate, for any period after the date of vesting, which, but for the acquisition, would have been payable to an intermediary, shall vest in and be payable to the State Government and not to the intermediary and any payment made in contravention of this clause shall not be valid discharge of the person liable to pay the same;

(d) all dues described in clause (c) for the agricultural year in which the date of vesting falls recovered by the intermediary before the said date and by the State Government after the said date shall after deducting therefrom the expenses of collection at the rate of ten per cent be rateably distributed between the intermediary and the State Government, the amount to be paid to each bearing to the total amount recovered

during the agricultural year the same proportion which the period before the date of vesting or, as the case may be, the period after the said date, bears to the whole of the agricultural year;

(e) all arrears of revenue, cesses, royalties and other dues due from the intermediary in respect of the estate for any period prior to the date of vesting including any sum due from him under clause (d) and all loans advanced by the State Government or the Court of Wards to the intermediary shall continue to be recoverable from such intermediary and may, without prejudice to any other mode of recovery be realized by deducting the amount from the compensation payable to such intermediary under Chapter III;

(f) the right, title and interest of the intermediary or any other person acquired under clause (a) shall not be liable to attachment or sale in execution of any decree or other process of any court, Civil or Revenue, and any attachment existing on the date of vesting or any order of attachment passed before such date shall, subject to the provisions of section 73 of the Transfer of Property Act, 1882 (IV of 1882), cease to be in force;

(g) subject to any rules made in this behalf under this Act, all suits and proceedings relating to the estate pending in any court at the date of vesting and all proceedings consequent upon any decree or order passed in any such suit or proceeding before such date shall be stayed.

(2) The State Government may, by a notification in the official Gazette, subject to such conditions or restrictions as may be prescribed, transfer the control or management or both of a common land vested in the State Government under this Act to a Panchayat constituted under the Ajmer State Panchayat Act, 1954 (Ajmer Act VII of 1954).

(3) Nothing contained in this section shall—

(a) render the State Government liable for the payment of debts incurred by the intermediary before the date of vesting and the intermediary shall be personally liable for the payment of all such debts;

(b) operate as a bar to the recovery by the intermediary of any sum which is legally due to him by virtue of his rights in the estate in respect of any period prior to the commencement of the agricultural year in which the date of vesting falls; provided that no decree for arrears of rent or order for ejectment in

default of payment of arrears of rent shall be executed by ejectment of the judgment-debtor from his holding; but notwithstanding anything contained in the Ajmer Tenancy and Land Records Act, 1950 (XLII of 1950), any such decree may be executed by attachment and sale of the property of the judgment-debtor other than any class of property referred to in clauses (a) to (c) of sub-section (1) of section 88 of the said Act;

(c) affect any contract entered into before the 1st of June, 1950 between an intermediary and any other person in respect of any forest, fishery or quarry situated in the estate for the collection of forest produce or fish or stone from such forest, fishery or quarry, but the consideration in respect of the contract falling due after the date of vesting shall be payable to the State Government.

**7. Private lands, buildings, wells, house sites and other enclosures.**—(1) Notwithstanding anything contained in the last preceding section—

(a) the intermediary shall continue to remain in possession of such khudkasht or Niji jot land as is in his personal cultivation on the date of vesting, to the extent and subject to the conditions and restrictions specified in Chapter VI;

(b) (i) all open enclosures used for agricultural or domestic purpose and in continuous possession of the intermediary or his predecessor-in-interest for a period of twelve years immediately preceding the date of vesting,

(ii) all open house sites purchased for valuable consideration,

shall all private buildings, places of worship and wells situated in and trees standing on land included in such enclosures or house sites as are specified in sub-clauses (i) and (ii) above and all land appertaining to such buildings and places of worship.

shall continue to belong to and be held by the intermediary.

c) all groves and orchards wherever situated, belonging to or held by any person including an intermediary, shall continue to belong to or be held by such person and the land on which such groves or orchards are situated, together with land appurtenant thereto shall be settled with such person by the State Government as a Bhumami thereof;



- (d) all trees, private wells and buildings in or on occupied land allotted under Chapter VI to the intermediary or any other person shall continue to belong to such intermediary or other person.

(2) If any question arises whether any property is of the nature referred to in sub-section (1) it shall be referred to the Collector who after making such enquiry as he deems necessary, may make such order thereon as he deems fit.

**8. Cancellation of certain leases.**—Where an intermediary has on or after the 1st day of June, 1950.

- (a) granted a lease of any land in the estate or any part thereof for any non-agricultural purposes other than mining for period of three years or more; or
- (b) granted a lease or entered into a contract relating to any forest, fishery or quarry in his estate for a period of three years or more; or
- (c) granted a lease for the cultivation of any area of bir or pasture or waste land;

and the Collector is satisfied that such lease or contract was not made or entered into the normal course of management but in anticipation of legislation for the Abolition of Intermediaries, the Collector may, subject to any rules made under this Act, by order in writing, cancel the lease or the contract as the case may be.

**9. Penalty for recovery of sum to which an intermediary is not entitled.**—(1) On and from the date of vesting, no intermediary shall recover or receive from any tenant or resident of the estate or from any contractor or lessee or other person any revenue, rent, cess, sayar, grazing fee, royalty or other dues which he is not entitled to recover or receive under the provisions of this Act.

(2) Where any intermediary recovers any such dues in contravention of sub-section (1), he shall be liable to pay to the State Government, as penalty, such sum not exceeding five hundred rupees as the Collector may after making such enquiry as may be prescribed direct, and the Collector may further direct the fund of the amount wrongfully recovered to the State Government or other appropriate person.

(3) All sums recoverable under sub-section (2) shall be realized as arrears of land revenue.

## CHAPTER III

## ASSESSMENT OF COMPENSATION

**10. Liability to pay compensation.**—(1) Subject to the other provisions of this Act, there shall be paid to every intermediary whose rights, title or interest in any estate are acquired under this Act, such compensation as shall be determined in accordance with the principles laid down in the Schedule.

(2) The compensation payable under this section shall be due as from the date of vesting and shall carry simple interest at the rate of two and a half per cent per annum from that date up to the date of payment:

Provided that no interest shall be payable on any amount of compensation which remains unpaid for any default of the intermediary, his agent or his representative-in-interest.

**11. Maintenance Allowance payable from compensation.**—(1) Where under any law or custom having the force of law a Guzaredar is entitled to receive at the date of vesting a Guzara out of the income of any estate, he shall be entitled to receive out of the compensation payable to the intermediary in respect of the estate such amount as the Compensation Commissioner may having regard to the matter specified in sub-section (2), determine.

(2) For the purpose of determining any amount under sub-section (1), the Compensation Commissioner shall have regard to the following matters, that is to say:—

- (a) the amount of Guzara which the Guzaredar used to receive from the intermediary before the date of vesting;
- (b) the net income of the intermediary from the estate immediately before the date of vesting;
- (c) the net amount of compensation payable to the intermediary; and
- (d) such other matters as may be prescribed.

**12. Submission of Statement of Claim.**—(1) Every intermediary whose estate has been acquired under this Act shall within two months from the date of vesting, file in the prescribed form, a Statement of Claim for compensation before the Compensation Officer.

(2) Every such Statement of Claim shall contain the following particulars, namely:—

- (i) the description of the estate and the full name of the intermediary and his place of residence;
- (ii) the date or year of the last Sanad, if any, under which he holds the estate;

- (iii) the tenure of the estate whether, Istimrari, Non-Sanadi Istimrari, Minor Istimrari, Jagir, Bhoom, Muafi, Guzara or as proprietor or usufructuary mortgagee;
  - (iv) the number and names of villages comprised in the estate together with the particulars of area and income of each such village on account of rent;
  - (v) the amount of the gross income of the estate with details of income from the various sources specified in the Schedule;
  - (vi) land revenue, cess, royalty and other dues which the intermediary pays to the State Government;
  - (vii) the amount of dues and debts recoverable from him under clause (e) of sub-section (1) of section 6;
  - (viii) the names of Guzaredars, if any, together with details about the cash annuity or the area of land enjoyed by each, and the gross income from the said area;
  - (ix) the names of co-sharers, if any, in the estate together with the particulars of the share of each co-sharer;
  - (x) the names of the under-proprietors, if any, in the estate together with the area held by each such under-proprietor and the various dues and their amounts which he pays to the intermediary;
  - (xi) the names of the usufructuary mortgagees, if any, in the estate together with the details of the area mortgaged and the amount of the mortgage money due to the mortgagee;
  - (xii) such other particulars as may be prescribed.
- (3) The intermediary shall give a list of the documents on which he relies in support of his Statement of Claim.

(4) Every such Statement of Claim shall be signed and verified in the manner provided for the signing and verification of plaints in the Code of Civil Procedure, 1908 (Act V of 1908).

**13. Determination of compensation and dues and other deductions.**—(1) On receipt of a Statement of Claim under section 12, or if no such Statement is received within the period specified in that section, on the expiry of that period, the Compensation Officer shall, after such inquiry as he deems necessary, make a report to the Compensation Commissioner, and the Compensation Commissioner shall after making such further inquiry as he deems necessary, determine—

- (a) the total amount of compensation payable to an intermediary in accordance with the principles specified in the Schedule;

(b) the amount recoverable from the intermediary under clause (e) of sub-section (1) of section 6; and

(c) the amount payable from the compensation to a Guzaredar under section 11.

(2) A copy of the order made under sub-section (1) shall be served upon the intermediary and the Collector.

(3) The Compensation Commissioner shall after giving the Collector, the intermediary and any other interested person reasonable opportunity of being heard in the matter, make a final order.

**14. Communication of final order.**—The Compensation Commissioner shall communicate as soon as practicable his final order made under sub-section (3) of section 13 to the Collector, to the intermediary and to the other interested persons.

**15. Dues and Deductions from the compensation amount of debts due from the intermediary.**—The amount recoverable from an intermediary under clause (e) of sub-section (1) of section 6 as determined under clause (b) of sub-section (1) of section 13 shall be deducted from the total compensation payable to the intermediary under section 10.

## CHAPTER IV

### PAYMENT OF COMPENSATION

**16. Payment of Compensation.**—(1) After the amount of compensation payable to an intermediary under section 10 is determined and the amount specified in clause (e) of sub-section (1) of section 6 is deducted therefrom, the balance of the compensation shall be divided into such number of annual instalments not exceeding fifteen as may be prescribed.

(2) The amount determined under clause (c) of sub-section (1) of section 13 shall be deducted and paid annually to the persons entitled thereto, out of the annual instalment referred to in sub-section (1) and the remaining amount of the instalment shall be paid to the intermediary.

(3) Where compensation under this Act is payable to—

(a) a person whose estate is under the superintendence of the Court of Wards, the compensation money shall be paid to the Court of Wards;

(b) a person suffering from a legal disability and whose estate is not under the superintendence of the Court of Wards, the compensation money shall be deposited in the Court of the District Judge and shall be disposed of in accordance with the directions of that Court;

(c) a person who is a usufructuary mortgagee of the whole or any part of an estate from another intermediary mortgagor, the compensation money in respect of the mortgaged estate shall be paid to such mortgagee to the extent of the amount due to him on account of the mortgage; and the balance, if any, shall be paid to the mortgagor;

(d) an evacuee within the meaning of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), shall be paid to the Custodian under the said Act.

(4) The payment of compensation money to an intermediary and to other persons under sub-sections (2) and (3) shall not prejudice the rights to which any other person may be entitled, by due process of law, to enforce against the person to whom any amount has been so paid.

**17. Compensation money to be placed at the disposal of a Court or authority.**—Where before any court or authority any suit or proceeding is pending which directly or indirectly affects or is likely to affect the right of any person to receive the whole or part of the compensation determined under the foregoing provisions, the court or disposal may require the Compensation Commissioner to place at its disposal the amount so payable and thereupon the same shall be disposed of in accordance with the orders of such court or authority.

**18. Interim compensation.**—(1) Where the compensation payable to an intermediary is not finally determined within the period of six months from the date of vesting, the State Government, shall, subject to such conditions (including a condition relating to the obtaining of security or indemnity bond) as may be prescribed, direct the payment to such intermediary of interim compensation which shall—

(i) if no deductions are to be made as directed in section 15, be equal to one-twelfth of the estimated amount of the compensation;

(ii) if deductions are to be made as aforesaid, such amount as may be prescribed.

(2) The interim compensation payable under this section shall be paid within one year from the date of vesting and the amount of interim compensation so paid shall be deemed to be part of the compensation payable under this Act and shall be adjusted against the amount of compensation finally determined as payable to the intermediary under this Act.

**19. Payment of compensation in case of death of an intermediary.**—Where the intermediary who is entitled to receive any compensation under this Act dies before the full amount of compensation is paid to him, such amount of compensation as remains outstanding shall be paid to his legal representatives.

**20. Determination of question of title.**—If during the course of an enquiry by the Compensation Officer or Commissioner, any question arises in respect of any right, title or interest in the estate acquired under section 4, and such question has not been decided previously by a competent authority, the Compensation Commissioner shall, after holding such inquiry as he may deem fit, decide such question:

Provided that nothing in this section shall apply to any inquiry into any right, title or interest in respect of any property which is evacuee property within the meaning of the Administration of Evacuee Property Act, 1950 (XXXI of 1950).

## CHAPTER V

### MINES AND MINERALS

**21. Working of mines to be governed by this Chapter.**—Notwithstanding anything contained in this Act, the right to operate or work mines and to extract minerals therefrom shall, from the date of vesting, be governed by the provisions of this Chapter.

**22. Mines worked by the intermediary.**—(1) With effect from the date of vesting, all mines comprised in the estate or estates acquired under this Act as were in operation on the date immediately preceding the said date and were being worked directly by the intermediary shall, if so desired by him, be deemed to have been leased by the State Government to the intermediary, and such intermediary shall be entitled to retain possession of those mines as a lessee thereof.

(2) The terms and conditions of the said lease by the State Government shall be such as may be agreed upon between the State Government and the intermediary or, in default of agreement, as may be settled by a Mines Tribunal appointed under section 25:

Provided that all such terms and conditions shall be in accordance with the provisions of any enactment for the time being in force regulating the grant of mining leases.

**23. Subsisting leases of mines and minerals.**—(1) Where immediately before the date of vesting of the estate or estates, there is a subsisting lease of mines or minerals comprised in the estate or estates or any part thereof, the whole or the part of the estate or estates comprised in such lease shall, with effect from the date of vesting, be deemed to have been leased by the State Government to the holder of the said subsisting lease for the remainder of the term of that lease, and such holder shall be entitled to retain possession of the leasehold property.

(2) The terms and conditions of the said lease by the State Government shall, *mutatis mutandis* be the same as the terms and conditions of the subsisting lease referred to in sub-section (1):

Provided that nothing in this sub-section shall be deemed to prevent any modifications being made in the terms and conditions of the said lease in accordance with the provisions of any enactment for the time being in force regulating the modification of existing mining leases.

(3) The holder of any such lease of mines and minerals as is referred to in sub-section (1) shall not be entitled to claim any damages from the outgoing intermediary on the ground that the terms of the lease executed by such intermediary in respect of the said mines and minerals have become incapable of fulfilment by the operation of this Act.

**24. Buildings and lands appurtenant to mines.**—Where by virtue of section 22 or section 23 any lease of mines and minerals comprised in an estate or estates is deemed to be given by the State Government, all buildings and lands not included in such lease, whether comprised in that or any other estate or estates, which vest in the State Government by operation of this Act, and are in the use and occupation of the lessee for purposes connected with the working or extraction of the mines and minerals comprised in the lease, including the lands upon which any works, machinery, tramways or sidings appertaining to the mines are situate, shall be deemed to have been leased by the State Government to that lessee with effect from the date of vesting of the estate or estates, and the lessee shall be entitled to retain possession of all such buildings and lands subject to the payment of such fair and equitable ground rent as may be agreed upon between the State Government and the lessee, or in default of agreement, as may be fixed by a Mines Tribunal appointed under section 25.

**25. Mines Tribunal.**—(1) A Mines Tribunal appointed for purposes of sections 22 to 24 shall consist of a Chairman who shall be the District Judge, Ajmer, and a member who shall be a mining expert to be appointed by the State Government.

(2) In settling the terms and conditions of a lease by the State Government under sections 22 to 24 the Mines Tribunal shall have power to determine the extent of the property deemed to have been leased by the State Government.

(3) The Tribunal shall follow such procedure as may be prescribed.

(4) If there is a difference of opinion between the Chairman and the member in regard to any matter, it shall be referred by the Chairman to the Judicial Commissioner, Ajmer and the decision of the Judicial Commissioner shall be final.

## CHAPTER VI

### MANAGEMENT OF LAND IN ESTATES ACQUIRED UNDER THIS ACT

**26. Definitions.**—In this Chapter, unless the context otherwise requires—

(a) “permissible limit” means an area of fifty standard acres: and

(b) “minimum area” means an area of eight standard acres.

**27. Application by intermediary for allotment of land for personal cultivation.**—(1) Every intermediary whose estate has been acquired under this Act shall within six months from the date of vesting apply to the Sub-Divisional Officer within whose jurisdiction the estate or a major portion of the land comprising the estate is situate, for the allotment to him of land for personal cultivation.

(2) An application under sub-section (1) shall be in such form as may be prescribed and shall contain the following particulars, namely:—

- (a) the description of the estate;
- (b) the date of vesting of the estate;
- (c) the total area of the estate under cultivation on the date of vesting;
- (d) the names of the co-sharers, Guzaredars and mortgagees, if any, in the estate and the extent of their interests;
- (e) the area of Niji jot or Khudkasht land under the personal cultivation of—
  - (i) the intermediary on the date of vesting,



- (ii) a tenant for less than three agricultural years immediately preceding the date of vesting,
- (iii) a tenant for three agricultural years or more immediately preceding the date of vesting;
- (f) where the area of Niji jot or khudkasht land under the personal cultivation of the intermediary exceeds the permissible limit, the particulars of the land not exceeding such limit which he desires to retain for personal cultivation;
- (g) where the area of Niji jot or khudkasht land under the personal cultivation of the intermediary is less than the minimum area, the particulars of the land which he requires for personal cultivation to make up the minimum area;
- (h) the area of cultivable waste land available in each village included in the estate;
- (i) such other particulars as may be prescribed.

**28. Enquiry by Sub-Divisional Officer.**—(1) On receipt of an application under section 27 the Sub-Divisional Officer shall issue notice to the applicant and other interested persons, if any, and after giving the parties an opportunity of being heard shall make an enquiry in the prescribed manner.

(2) After making the enquiry referred to in sub-section (1), the Sub-Divisional Officer shall, having regard to the provisions of this Chapter, pass an order allotting to the intermediary such land for personal cultivation as may be specified in the order.

(3) Where any land is allotted to an intermediary for personal cultivation under sub-section (2) the Sub-Divisional Officer shall issue a lease to such intermediary in such form as may be prescribed in respect of the land so allotted.

**29. Principles for regulating allotment of land to intermediary.**—

(1) Every intermediary shall be allotted all Niji jot or khudkasht land which he was cultivating personally in the previous agricultural year:

Provided that the area of the land so allotted shall not exceed the permissible limit.

(2) If at the date of vesting any intermediary has in his personal cultivation an area of Niji jot or khudkasht land exceeding the permissible limit, he shall be entitled to select out of the total area in his personal cultivation any contiguous area of land, not exceeding the permissible limit, for being allotted to him, and the area in excess of the permissible limit shall be surrendered to the State Government:

Provided that where there is no such contiguous area, the intermediary shall be entitled to select such maximum compact area, the aggregate of which does not exceed the permissible limit.

(3) Every intermediary whose estate has been acquired under this Act and who at the date of vesting—

- (a) does not hold any land for personal cultivation; or
- (b) holds land for personal cultivation, whether as Niji jot, khudkasht or as a tenancy holding anywhere in the State, and the total area so held by him is less than the minimum area;

shall be allotted so much area of land for personal cultivation as—

- (i) in a case falling under clause (a), is equal to the minimum area, and
- (ii) in a case falling under clause (b) is, together with the area allotted under sub-section (1), equal to the minimum area:

Provided that the area of land allotted to any intermediary under this sub-section shall in no case exceed the area of the cultivated land in the estate held by him immediately before the date of vesting:

Provided further that if any land allotted to an intermediary under this sub-section is not cultivated personally by him within three years of the date of allotment, or ceases to be cultivated personally by him at any time thereafter, the Collector may, after holding such enquiry as may be prescribed and after giving the intermediary a reasonable opportunity of being heard, direct that the land shall be deemed to have reverted to the State Government, and on any such direction being issued the intermediary shall hand over possession of the land to the Collector or to such other person as the Collector may direct.

For the purposes of sub-section (3), the following categories of land shall be allotted in the order mentioned below, namely:—

- (i) Niji jot land exceeding the minimum area in possession of a tenant for less than three years on the date of vesting, to the extent of such excess;
- (ii) Niji jot land not exceeding the minimum area in possession of a tenant for less than three years on the date of vesting;
- (iii) any available culturable land in a village included in the estate or elsewhere:

Provided that where there are two or more tenants falling under sub-clause (i) or sub-clause (ii), as the case may be, the land belonging to the tenant who is in possession for a lesser period on the date of vesting shall be allotted to the intermediary:

Provided further that where two or more such tenants have been in possession of any land for the same period, the land to be allotted to the intermediary shall be taken from each such tenant in proportion to his holding.

(5) Where any land is allotted to an intermediary from the holding of a tenant under this section, the State Government may grant to such tenant in lieu of the land so taken from him, other available

culturable land of equal area computed in terms of standard acres and such land shall be held by the tenant as Bhuswami thereof.

**30. Tenure of land allotted to intermediaries for personal cultivation.**—(1) All land allotted to an intermediary under section 29, other than land of the nature referred to in sub-clause (iv) of section 23 of the Ajmer Tenancy and Land Records Act, 1950 (XLII of 1950), shall be held by the intermediary as Bhuswami thereof.

(2) All land allotted to an intermediary under section 29 of the nature referred to in sub-clause (iv) of section 23 of the Ajmer Tenancy and Land Records Act, 1950 (XLII of 1950), shall be held by the intermediary as Kashtkar thereof.

**31. Status of other persons holding land.**—(1) Every person holding land in any estate who at the date of vesting is entered in the record of rights as a rent free grantee, a grantee at a favourable rate of rent, an ex-proprietary, an occupancy or a hereditary tenant, shall as from the said date hold such land, other than land which has been in possession of a sub-tenant on the said date for a period of three years or more, as Bhuswami thereof.

(2) Every sub-tenant of land referred to in sub-section (1) shall as from the date of vesting hold such land as Bhuswami thereof.

(3) Every tenant of Niji jot or khudkasht land shall, as from the date of vesting, hold such land except land of the nature referred to in sub-clauses (iv) and (v) of section 23 of the Ajmer Tenancy and Land Records Act, 1950 (XLII of 1950), and the land allotted to an intermediary under sub-section (3) of section 29, as Bhuswami thereof.

(4) All tenants, other than those mentioned in the foregoing provisions of this section, shall hold land as Kashtkars.

(5) Every sub-tenant of occupancy, ex-proprietary or hereditary tenant or every sub-tenant of rent free grantee or grantees at favourable rate of rent who has been in possession of land for less than three agricultural years at the date of vesting, shall continue to hold such land as sub-tenant of his landholder.

**32. Revenue payable by Bhuswamis and Kashtkars.**—(1) All Bhuswamis and Kashtkars shall hold land directly from the State Government.

(2) Every Bhuswami shall be liable to pay revenue to the State Government assessed at the village rates fixed for ex-proprietary tenants at the last rent-rate operations on the basis of one-eighth of the produce of the holding.

(3) Every Kashtkar shall be liable to pay revenue to the State Government assessed at the village rates fixed for hereditary tenants at the last rent-rate operations, on the basis of one-fifth of the produce of the holding.

**33. Rights of Bhuswamis.**—(1) Subject to the provisions of sub-section (2), the holding of a Bhuswami shall be heritable and transferable.

(2) No Bhuswami shall have a right to transfer by sale or gift any land—

(i) Where as a result of the transfer the holding of the Bhuswami would be reduced to less than the minimum area;

(ii) to any person, other than an institution established for a charitable purpose or a co-operative farm, where the land proposed to be transferred together with the land already held by such person and any member of his family, as Bhuswami would in the aggregate exceed thirty standard acres.

*Explanation.*—For the purpose of this section, the members of the family of a person shall mean—

(a) the wife or husband, as the case may be;

(b) his minor children; and

(c) where the person is a minor, his parents.

**34. Priorities in case of sale by Bhuswami.**—(1) Where a Bhuswami wants to transfer by sale any land comprised in his holding he shall offer it for sale in the prescribed manner—

(a) first to the tenant of such land;

(b) next to a co-operative farm in the village;

(c) next to a co-sharer in the holding;

(d) next to an institution established in the village for a charitable purpose;

(e) next to an agriculturist holding land or residing in the village; and

(f) lastly to any other person.

(2) If any dispute arises in respect of any matter under subsection (1), it shall be referred to the Collector who may after holding such enquiry as he thinks necessary make such order as he deems fit.

**35. Interest of Kashtkars.**—The interest of a Kashtkar shall be heritable but not transferable except with the permission in writing of the Collector:

Provided that no such permission shall be given in the case of transfer by lease.

**36. Biswedars.**—Every person holding land as a Bisweddar in any Jagir land shall as from the date of vesting hold such land directly from the State Government on the same terms and conditions which are applicable to land held by a Khewatdar.

**37. Restrictions on letting and subletting.**—(1) Subject to the provisions of this Act, no Bhuswami shall let the whole or any part of his holding for a term of less than five years at a time.

(2) No Kashtkar shall sublet the whole or any portion of his holding.

(3) Nothing in this section shall apply to—

- (a) a female;
- (b) a minor, during his minority;
- (c) a lunatic or an idiot;
- (d) a person suffering from any physical disability, so long as the disability continues;
- (e) a member of the armed forces, until he is discharged or retires from service;
- (f) a person confined in a prison, during the period of such confinement.

(4) If any question arises whether a person is excluded from the operation of sub-section (1) or sub-section (2) by virtue of sub-section (3), it shall be referred to the Sub-Divisional Officer who shall after holding such inquiry as he deems fit determine such question.

**38. Maximum Rent.**—Notwithstanding any agreement, usage, decree or order of a court or any law for the time being in force, the maximum rent payable by a tenant in respect of the land leased to him shall not exceed one and a half times the revenue payable in respect of such land.

**39. Determination of rent.**—The rent payable by a tenant shall be:—

- (a) where the rent is fixed by an agreement in writing the rent so agreed upon, so, however, that it shall not exceed the maximum limit specified in section 38,
- (b) where there is no such agreement, an amount equal to one and a half times the revenue payable to the Government in respect of the land leased to the tenant.

**40. Termination of tenancy.**—No tenancy shall be terminated except in accordance with the provisions of this Act or except on any of the following grounds, namely:—

- (a) that the lessee has failed to pay the rent for the year within fifteen days of the date fixed for the payment of the last instalment of revenue by the lessor;
- (b) that the lessee has done any act which is destructive of or permanently injurious to land;
- (c) that the lessee has further sublet the land or failed to cultivate the land personally;

(d) that the lessee has used such land for a purpose other than agriculture;

(e) that the term of the lease has expired by efflux of time;

(f) that the land is required for the personal cultivation of the lessor.

(2) A Bhuswami to whom any land has been allotted for personal cultivation under sub-sections (3) and (4) of section 29 may eject any tenant from such land.

**41. Restoration of possession of land on failure to cultivate land personally.**—(1) Where a Bhuswami who has taken possession of any land by ejecting any tenant therefrom on the ground that he requires the land for personal cultivation fails to cultivate such land personally within one year from the date on which he took possession thereof or ceases to cultivate such land personally in any year during the period of five years next following, the tenant may make an application to the Sub-Divisional Officer for restoration of such land to him.

(2) On receipt of an application under sub-section (1), the Sub-Divisional Officer after giving to the Bhuswami concerned an opportunity of being heard and after holding such enquiry as he may deem fit, may restore possession of such land to the tenant.

**42. Division of holding of Bhuswami.**—(1) Any person recorded in the annual register as a co-sharer in the holding of a Bhuswami may apply in the prescribed form to the Sub-Divisional Officer for a division of the holding:

Provided that no such application shall be entertained if as a result of the division, the share of any co-sharer in the holding would be reduced to less than the minimum area.

(2) Where any holding of a Bhuswami is divided under sub-section (1), the order making the division shall specify the revenue payable in respect of each divided portion of the holding.

**43. Certain transfers to be void.**—Any transfer made in contravention of the provisions of this Chapter shall be void.

**44. Consequences of transfer in contravention of this Chapter.**—(1) Where a transfer of any holding or part thereof has been made in contravention of this Chapter the transferer shall, notwithstanding anything contained in any law, be liable to ejectment from such holding or part, by the Collector or an officer authorised by him in this behalf in the manner prescribed:

Provided that nothing in this sub-section shall affect the right of the transferee to recover the purchase money from the transferer by due process of law.

(2) On the ejection of the transferee, so much of the land as is equivalent to the minimum area shall be restored to the possession of the transferer and such land as is in excess of the minimum area shall become vacant land and shall vest in the State.

**45. Saving.**—Nothing in this Chapter shall apply to, or be deemed to confer any right or remedy on, any person who after the 15th day of August, 1947, has acquired possession of any estate or land which is evacuee property within the meaning of the Administration of Evacuee Property Act, 1950 (XXXI of 1950).

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## CHAPTER VII

### CO-OPERATIVE FARMS

**46. Formation of a Co-operative Farm.**—Any six or more persons holding between them Bhuswami rights in thirty acres or more in the village and desiring to start a co-operative farm, may apply in writing to the Registrar appointed under the Co-operative Societies Act, 1912 (II of 1912), (hereinafter referred to as the Registrar) for the registration thereof.

**47. Application for registration.**—An application for the registration of a co-operative farm shall be accompanied by extracts from the record of rights showing the total area with the recorded numbers of all the fields offered by each of the applicants in the village and shall contain such further particulars as may be prescribed.

**48. Registration of the Co-operative Farm.**—(1) The Registrar may, if he is satisfied after such inquiry as may be prescribed that the application has been duly made, register the co-operative farm under the co-operative Societies Act, 1912 (II of 1912), and grant a certificate of registration.

(2) The Registrar shall cause a copy of the certificate to be forwarded to the Collector for such action as may be prescribed.

(3) All persons who contribute land to a co-operative farm registered under sub-section (1) shall be deemed to be members thereof.

**49. Land offered by a member to be transferred to the Farm.**—When a co-operative farm has been registered under section 48, all Bhuswami land in the village offered by a member, shall, for so long as the registration of the co-operative farm is not cancelled, be deemed to be transferred to and held by the co-operative farm

which shall thereupon hold such land in accordance with the provisions of this Chapter, and may, notwithstanding anything contained in this Act, use it for any purpose connected with agriculture, horticulture or animal husbandry which includes pisciculture and poultry farming.

**50. Formation of a Co-operative Farm of uneconomic holdings.—**

Not less than two-thirds of the total number of persons other than those who have applied under section 47 holding Bhuswami rights in uneconomic holdings in a village and holding between them not less than two-thirds of the aggregate area comprised in all uneconomic holdings in the village may apply jointly to the Collector that a co-operative farm be established, and on such application the Collector may, by notice, require all the Bhuswamis of the remainder of uneconomic holdings in the village to show cause why a co-operative farm comprised of all the land included in all the uneconomic holdings in the village be not established and constituted.

**51. Disposal of objections and service of the order.—**(1) The Collector shall hear the objection or objections of the holders of uneconomic holdings who may desire to be heard, and after hearing them he shall, unless he is satisfied that it is not in the best interests of the persons affected, order that a co-operative farm consisting of all the land comprised in all the uneconomic holdings in the village be established.

(2) Notice of an order passed directing a co-operative farm to the established shall be served on every person affected and shall also be proclaimed in the village in the prescribed manner.

**52. Registration of the Co-operative Farm of uneconomic holdings.—**(1) The Collector shall cause a copy of the order passed under section 51 directing that a co-operative farm be established to be forwarded to the Registrar, who may thereupon register the farm under the Co-operative Societies Act, 1912 (II of 1912), and if he agrees to do so, shall grant a certificate of registration.

(2) The Registrar shall cause a copy of the certificate to be forwarded to the Collector for such action as may be prescribed.

(3) All persons whose holdings are included in the co-operative farm registered under sub-section (1) shall be deemed to be members thereof.

**53. Land in the uneconomic holdings to be transferred to the Farm.—**When a co-operative farm has been registered under section 52 all land comprised in the uneconomic holdings held by any Bhuswami or a sub-tenant under him shall, for so long as the registration of the co-operative farm is not cancelled, be deemed to be



transferred to and held by the co-operative farm which shall thereupon hold such land in accordance with the provisions of this Chapter and may, notwithstanding anything contained in this Act, use it for any purpose mentioned in section 49.

**54. Consequences of Registration.**—When a certificate of registration in respect of any co-operative farm has been granted under section 48 or 52 the provisions of the Co-operative Societies Act, 1912 (II of 1912), shall in so far as they are not inconsistent with the provisions of this Act or rules made thereunder, be applicable thereto.

**55. Bye-laws of the Farm.**—Every application submitted under section 47 or 50 shall be accompanied by a copy of the proposed bye-laws of the co-operative farm and such bye-laws shall be deemed to be the bye-laws required to be filed under sub-section (3) of section 8 of the Co-operative Societies Act, 1912 (II of 1912).

**56. Land contribution to the Farms to continue to vest in Bhuswamis thereof.**—Nothing in this Chapter shall be construed to mean that the interest of a Bhuswami in the land contributed to the co-operative farm by or on his behalf has ceased to vest in him.

**57. Disposition of land contributed to the Farm.**—(1) No member of a co-operative farm shall, except as provided in sub-section (2), be entitled to make any disposition of any land contributed by him to the farm.

(2) Every member of a co-operative farm, who is Bhuswami of any land contributed by him to the co-operative farm may make a testamentary disposition of such land, and with the permission of the co-operative farm, any other disposition. Such permission shall not be withheld if the transferee is willing to join the farm.

**58. Rights, privileges, obligations and liabilities of members.**—Every member of a co-operative farm shall be entitled to such rights and privileges, be subject to such obligations and liabilities, and be bound to discharge such duties as may be conferred or imposed upon him by or under this Act.

**59. Liability on the Farm to pay land revenue and other dues.**—The co-operative farm, shall, as from the date it is constituted, be liable for the payment of all the land revenue, cesses, local rates or rent payable by the Bhuswamis in respect of the land held by it under section 49 or 53.

**60. Admission of new members or heirs.**—(1) Any person, who is a resident of the village where the co-operative farm is situate or who intends to settle down in the village or who cultivates land therein, may be admitted as a member thereof upon such terms and conditions as may be laid down in the bye-laws of the farm.

(2) When a member whose land is held by a co-operative farm, dies, his heirs shall be deemed to become members of the co-operative farm.

**61. Termination of tenancy in certain cases.**—Notwithstanding any provisions in this or any other Act to the contrary, where the land which is transferred or is deemed to be transferred to a co-operative farm under section 49 or 53, is under cultivation of a tenant, the tenancy shall be deemed to have terminated on the date of the registration of such farm.

**62. Concessions and facilities for the Co-operative Farm.**—(1) A co-operative farm shall be entitled to such concessions and facilities as may be prescribed.

(2) Without prejudice to the generality of the foregoing provision, the concessions and facilities may include—

- (a) reduction of land revenue,
- (b) reduction of or exemption from any tax on agriculture,
- (c) free technical advice from experts employed by the Government on farming and use of mechanical aids.
- (d) financial aid and grant of subsidy loans with or without interest, including loans for purchase of agricultural machinery and other implements,
- (e) admission to land by the State,
- (f) priority in irrigation from State irrigation works, and
- (g) priority in consolidation proceedings.

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## CHAPTER VIII

### MISCELLANEOUS

**63. Appointment of the officers and authorities under this Act.**—The State Government may, by notification in the official Gazette, for the purposes of this Act appoint—

- (a) a Compensation Commissioner, and
- (b) one or more Compensation Officers as may be necessary.

**64. Powers and duties of Compensation Commissioner and Officers.**—(1) The Compensation Commissioner shall perform such duties and exercise such powers of supervision and superintendence over the work of the Compensation Officers as may be prescribed.

(2) The Compensation Officer shall exercise the powers and perform the duties conferred or imposed upon them by or under this Act or the rules framed thereunder.

**65. Entries in record of rights conclusive.**—Every entry in the record of rights shall for the purposes of this Act, be presumed to be correct:

Provided that any modification, alteration or correction made in the record of rights, whether before or after the date of vesting, under the provisions of the Ajmer Tenancy and Land Records Act, 1950 (XLII of 1950), or as a consequence of any decree or order of any court, shall be taken into account by the Compensation Officer.

**66. Appeals.**—(1) Any person aggrieved by an order of a Sub-Divisional Officer under this Act may, within thirty days from the date of communication of such order to him, appeal to the Collector, whose decision thereon shall be final.

(2) Any person aggrieved by an order of the Collector under this Act, [not being an order made in appeal under sub-section (1)] may within thirty days from the date of the communication of such order to him, appeal to the Chief Commissioner, whose decision thereon shall be final.

(3) The State Government or any person aggrieved by an order of the Compensation Commissioner under this Act may, within ninety days from the date of communication of such order, appeal to the Judicial Commissioner, Ajmer, whose decision thereon shall be final.

(4) The provisions of sections 5 and 12 of the Indian Limitation Act, 1908 (IX of 1908), shall apply to appeals under this section.

**67. Court fees.**—(1) The court fee payable on a memorandum of appeal to the Collector under sub-section (1) of section 66 shall be one rupee.

(2) The court fee payable on a memorandum of appeal to the Chief Commissioner under sub-section (2) of section 66 shall be five rupees.

(3) The court fee payable on a memorandum of appeal to the Judicial Commissioner under sub-section (3) of section 66 shall be five rupees.

**68. Delegation of power.**—The State Government may, subject to such restrictions and conditions as it may impose, by notification in the official Gazette, delegate to any officer or authority subordinate to it, any of the powers conferred on it by this Act.

**69. Officers holding enquiries to have powers of civil courts.**—Any officer or authority holding an enquiry or hearing an appeal under

this Act shall have the powers of a civil court under the Code of Civil Procedure, 1908 (Act V of 1908), relating to—

- (a) proof of facts by affidavits;
- (b) enforcing attendance of any person and his examination on oath;
- (c) production of documents;
- (d) issuing of commissions;

and every such officer or authority shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act V of 1898).

**70. Power to enter upon land and to make survey.**—Subject to any rules made under this Act in this behalf, any officer or authority holding an inquiry under this Act may, for the purpose of carrying out the provisions of this Act—

- (a) enter at any time upon the estate land along with such public servants as he may consider necessary;
- (b) make a survey or take measurement or do any other act on any estate land.

**71. Proceedings under the Act to be judicial proceedings.**—A proceeding before any officer or authority under this Act shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code, 1860 (Act XLV of 1860).

**72. Persons acting under the Act to be public servants.**—All officers and persons acting under or in pursuance of the provisions of this Act or the rules made thereunder shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Act XLV of 1860).

**73. Costs.**—Any order for the payment of costs, made by any officer or authority under this Act, may be enforced in the same manner as if it were a decree for the payment of money passed by a competent revenue court.

**74. Mode of service of notice.**—Any notice or other document required to be served by or under this Act may be served—

- (a) by delivering or tendering it to the person on whom it is to be served; or
- (b) by sending it in a registered letter addressed to that person at his usual or last known place of abode; or

(c) by delivering it to any male member of the family of such person or by affixing it, to some conspicuous part of the premises, where such person is known to have last resided or carried on business or personally worked for gain; or

(d) in such other manner as may be prescribed.

**75. Right to inspection and copies of documents, statements and registers.**—All documents, statements and registers maintained under this Act or the rules made thereunder shall be open to inspection during such hours and subject to such conditions and payment of fees, if any, as may be prescribed and any person shall, on payment of such fees as may be prescribed be entitled to be furnished with a copy of the whole or any portion of such document, statement or register subject to such exceptions or restrictions as may be prescribed.

**76. Decision on question regarding forests.**—If any question arises whether any estate land is a bir or a forest or is situated in a bir or forest, or as to the limits of a bir or forest, it shall be determined by the Collector in such manner as may be prescribed.

**77. Estates or tenures under the management of the Court of Wards.**—Notwithstanding anything to the contrary in any law, the provisions of this Act shall apply to any estate or part thereof which is under the management of the Court of Wards or the State Government under any law for the time being in force, in the same manner as they would apply to any estate not under such management.

**78. Bar of jurisdiction of civil courts.**—(1) Save as otherwise provided in this Act, no Civil or Revenue Court shall have jurisdiction to settle, decide, or deal with any question which is, by or under this Act, required to be settled, decided or dealt with by the State Government, the sub-Divisional Officer, the Collector, the Compensation Officer or the Compensation Commissioner.

(2) Except as otherwise provided in this Act, no order of the State Government, a Sub-Divisional Officer, the Collector, a Compensation Officer or the Compensation Commissioner under this Act shall be called in question in any Court.

**79. Protection of action taken under the Act.**—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done, or intended to be done, in pursuance of this Act, or any rules made thereunder.

(2) No suit, or other legal proceeding shall lie against the State Government, for any damage caused, or likely to be caused, or any

injury suffered or likely to be suffered by virtue of any provisions of this Act or by anything in good faith done or intended to be done, under or in pursuance of this Act, or any rules made thereunder.

**80. Punishment for false statements.**—Any person who makes any statement in an application signed and verified by him under this Act which is false or which he either knows or has reason to believe to be false or does not believe to be true, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both.

**81. Review.**—The Chief Commissioner, the Judicial Commissioner or the Compensation Commissioner, may, either on his own motion or on application made, within such time as may be prescribed, by any interested party, review an order passed by himself or his predecessor in office and pass such order in relation thereto as he thinks fit.

**82. Sums to be payable out of the Consolidated Fund of the State.**—Compensation payable under this Act shall be a charge on and be payable out of the Consolidated Fund of the State.

**83. State Government to be a party in the proceedings under Chapters III and IV.**—(1) The State Government shall be and be deemed to be a party in every proceeding before the Compensation Officer or Commissioner under Chapters III and IV and every notice to be served or intended to be served, on the State Government may be served on the Collector.

(2) Notwithstanding anything contained in the said Chapters or sections 64 or 66 the period of limitation for filing, of any appeal by or on behalf of the State Government shall be ninety days from the date of the order appealed against.

**84. Powers to make rules.**—(1) The State Government may make rules for the purpose of carrying out the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the disposal of suits and proceedings relating to estates acquired under this Act pending in any Court and stayed under the Act;
- (b) the conditions or restrictions subject to which the control or management or both of a common land may be transferred to a Panchayat under sub-section (2) of section 6;

- (c) the procedure for the cancellation of leases and contracts under section 8;
- (d) the form and the manner in which the Statement of Claim shall be filed by an intermediary under section 12 and the particulars it should contain;
- (e) the number of instalments and the manner in which the compensation shall be paid under this Act;
- (f) the procedure to be followed in depositing the amount of compensation money with a bank or other authority under this Act;
- (g) the procedure to be followed in placing the amount of compensation money at the disposal of the Court or other authority under this Act;
- (h) the conditions subject to which interim compensation may be given;
- (i) the mode of service of any notice or document to be served under this Act;
- (j) the procedure for deciding questions regarding birs and forests under this Act;
- (k) the manner and the form in which offer of sale may be made under section 34;
- (l) any other matter which is to be or may be prescribed.

## THE SCHEDULE

(See section 10)

1. *Every intermediary to be treated as a separate unit.*—For purposes of assessment of compensation under this Act, every intermediary shall be treated as a separate unit:

Provided that, in the case of a joint Hindu family,

- (a) a father with his male lineal descendents in the male line of descent shall be deemed to be one unit where the father was alive on the date of vesting;
- (b) except as provided under clause (a) every other member of a joint Hindu family shall be treated as a separate unit.

*Explanation.*—Notwithstanding any partition made on or after the 1st day of June, 1952, a family shall be deemed to be joint.

2. *Basic year.*—The expression “basic year” means the agricultural year immediately preceding the agricultural year in which the date of the vesting falls.

3 *Calculation of gross income.*—The gross income of an intermediary shall be the total income from his estate under the following heads—

(a) revenue or rents including cesses and local rates payable for the basic year by or on behalf of the under-proprietor, tenants of all classes, grantees at a favourable rate of rent, sub-tenants or grove holders:

(i) in cash; or

(ii) where the rent is payable in kind or partly in cash and partly in kind, the valuation at the sanctioned appropriate village rates fixed by the Rent-Rate Officer immediately preceding the date of vesting;

(iii) where revenue or rent payable has not been determined, the revenue or rent determined at the village rates fixed by the Rent-Rate Officer and sanctioned by the State Government immediately preceding the date of vesting;

(b) the valuation at village rates—

(i) of Niji jot or khudkasht land of the intermediary, and

(ii) of any grove or bir land held by the intermediary;

(c) sayar including income from ground rent for house sites, waste lands, hats, bazars, quarries, fisheries, zirs, mines, irrigation fees from private tanks and grazing fees, calculated on the basis of an average of twelve agricultural years immediately preceding the date of vesting;

(d) income from forests calculated on the basis of an average of twenty agricultural years immediately preceding the date of vesting.

4. *Calculation of net income.*—The net income of an intermediary shall be calculated by deducting from his gross income—

(a) any sum which was payable by him in the basic year to the State Government or, in the case of an under-proprietor, to the Istimrardar or Jagirdar on account of land revenue, quit rent, rent, cesses, local rates, or any other customary dues in respect of the estate acquired under this Act;



- (b) an amount in lieu of the cost of management and the irrecoverable arrears of rent together equivalent to twenty per cent. of the total gross income calculated under paragraph 3:

Provided that subject to such marginal adjustments as may be prescribed, no such amount under this clause shall be deducted when the total gross income calculated under paragraph 3 does not exceed two thousand rupees;

- (c) income-tax payable on the income from mines and forests.

5. The amount of compensation to an intermediary shall be payable at the following scale:

No.	Net annual income	Amount of compensation payable
1	2	3
1.	On the first Rs. 250/- or less of net income.	Sixteen times of such net income.
2.	On the next Rs. 250/- or less of net income.	Fifteen times of such net income.
3.	On the next Rs. 500/- or less of net income.	Fourteen times of such net income.
4.	On the next Rs. 1,000/- or less of net income.	Thirteen times of such net income.
5.	On the next Rs. 3,000/- or less of net income.	Twelve times of such net income.
6.	On the next Rs. 5,000/- or less of net income.	Ten times of such net income.
7.	On the next Rs. 20,000/- or less of net income.	Eight times of such net income.
8.	For the balance of the net income.	Six times of such net income.

V. N. BHATIA,

Secy. to the Govt. of Ajmer.

